

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EDDIE GENE EVANS,

Petitioner,

v.

MICHAEL MEISNER, Warden,
Columbia Correctional Institution,

Respondent.

ORDER

13-cv-730-wmc

Petitioner Eddie Gene Evans is currently in custody of the Wisconsin Department of Corrections at the Columbia Correctional Institution. He has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 and has submitted a motion for leave to proceed *in forma pauperis*. (Dkt. # 2). The court cannot consider this motion, however, because it lacks supporting documentation regarding his eligibility for indigent status. For this case to move forward, petitioner must either pay the \$5 filing fee or submit a certified inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of his habeas corpus petition. *See* 28 U.S.C. § 1915(a)(2); *Longbehn v. United States*, 169 F.3d 1082 (7th Cir. 1999). If petitioner does not submit either the \$5 filing fee or a trust fund account statement before November 22, 2013, the court will assume that he wishes to withdraw this action voluntarily and will dismiss the petition without prejudice under Fed. R. Civ. P. 41(a).

ORDER

IT IS ORDERED that:

1. The motion for leave to proceed *in forma pauperis* (Dkt. # 2) is DENIED at this time.
2. No later than November 22, 2013, petitioner Eddie Evans shall pay the \$5 filing fee or submit a certified copy of his inmate trust fund account statement for the six-month period from the date of the habeas petition (April 18, 2013 through at least October 18, 2013).
3. **Petitioner is advised that, if he fails to comply as directed or show cause for his failure to do so, the court will assume that he does not wish to proceed and this case will be dismissed without further notice pursuant to Fed. R. Civ. P. 41(a).**

Entered this 1st day of November, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge